

OCT 09 2015

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Attorneys for Plaintiffs

NO.  
**FILED**

OCT - 5 2015

VALERIE J. HORNSVELD  
CLERK  
**AUDREY PLYMALE**  
DEPUTY

MONTANA FIRST JUDICIAL DISTRICT COURT, BROADWATER COUNTY

\*\*\*\*\*

CARMEN L. McFERRIN, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
GREGORY B. McFERRIN and CARMEN  
L. McFERRIN, INDIVIDUALLY,

Plaintiffs,

v.

MOHAMMAD "WALEED" KHAN,

Defendant.

Cause No.: **DV-15-43**

Hon. James P. Reynolds

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

\*\*\*\*\*

COME NOW the Plaintiffs and for their complaints, allege as follows:

**PARTIES**

1. Carmen L. McFerrin is a resident of East Helena, Montana, and is the duly appointed and acting Personal Representative of the Estate of Gregory McFerrin, her late husband, who was injured and later died on March 9, 2015, in Broadwater County.

2. Mohammad "Waleed" Khan, on March 9, 2015, and at all pertinent times herein, was an employee of a AARAV Trucking and was operating a semi-tractor hauling a trailer for and on behalf of Grewal Transportation, which trailer was identified as S-125, and was at all times acting in concert with Asad Khan, who was also operating another tractor-trailer unit on behalf of AARAV Trucking and Grewal Transportation.

3. Venue is proper in Broadwater County because Gregory McFerrin's injuries and death occurred in Broadwater County.

**COUNT I**

4. Plaintiff restates and realleges all allegations in ¶¶ 1-3 above.

5. On March 9, 2015, Mohammad "Waleed" Khan and Asad Khan, two Pakistani Nationals, were driving semi trucks from Canada to Idaho Falls, Idaho, proceeding south on Highway 12/289 in Broadwater County. They were confused as to their location and as to the most expedient and safest route to Idaho Falls. Mohammad "Waleed" Khan was driving in tandem in front of Asad Khan and both of them were speaking to each other on hand-held mobile phones (cell phones) when they were drivers of commercial motor vehicles. Such activity is banned by the Federal Motor Carrier Safety Administration Regulations. While they were conferring on their cell phones about their confusion, their location and their work, Mohammed "Waleed" Khan so distracted Asad Khan that Asad began traveling eastbound in the westbound lane for over 19 seconds, covering 1,700 feet, and negligently collided head-on with the pickup truck driven by Gregory McFerrin around mile marker 57.5.

6. Mohammad "Waleed" Khan was negligent in the operation of his tractor-trailer and his negligence was a cause of the injuries and subsequent death of Gregory McFerrin.

7. Mohammad "Waleed" Khan is also legally responsible for the negligence of Asad Khan because he was acting in a joint venture with Asad Khan and was acting in concert with Asad Khan.

8. Gregory McFerrin lived an appreciable amount of time before he finally died.

9. Mohammad "Waleed" Khan is liable for all survivorship damages suffered by the estate of Gregory McFerrin and all wrongful death damages suffered by the heirs, which wrongful death claim is also being brought by the personal representative of said estate, the extent of which damages will be proven at the time of trial.

**COUNT II**

10. Plaintiff restates and realleges all allegations in ¶¶ 1-9 above.

11. Carmen McFerrin, individually and as the surviving spouse of Gregory McFerrin, due to the negligence of Mohammad "Waleed" Khan, suffered emotional distress with physical manifestations, which comprises "bodily injury" under Montana law.

12. Mohammad "Waleed" Khan is liable to Carmen McFerrin, individually, for all such damages, the extent of which will be proven at the time of trial.

WHEREFOR, Plaintiffs pray for judgment against Defendant as follows:

COUNT I: Carmen McFerrin, as Personal Representative of the Estate of Gregory McFerrin, for all damages which are allowable under Montana law for survivorship damages and wrongful death damages, the extent of which will be proven at the time of the trial, plus her costs and disbursements incurred herein, and such other relief as the Court deems just under the circumstances.

COUNT II: Carmen McFerrin, individually, for all her damages the extent of which will be proven at the time of trial, plus her costs and disbursements incurred herein, and such other relief as the Court deems just under the circumstances.

DATED this 1<sup>st</sup> day of October, 2015.

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Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs demand trial by jury on all issues.

DATED this 1<sup>st</sup> day of October, 2015.

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MONTANA FIRST JUDICIAL DISTRICT COURT, BROADWATER COUNTY

\* \* \* \* \*

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REPRESENTATIVE OF THE ESTATE OF  
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L. McFERRIN INDIVIDUALLY,

Plaintiffs,

v.

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Defendant.

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**ACKNOWLEDGMENT OF SERVICE**

\* \* \* \* \*

I declare and acknowledge that I received a copy of the Summons directed to  
**MOHAMMAD "WALEED" KHAN**, and the Complaint and Demand for Jury Trial in the  
matter of *Carmen L. McFerrin as Personal Representative of the Estate of Gregory B. McFerrin*  
and *Carmen L. McFerrin, Individually v. Mohammad "Waleed" Khan*, Cause No: DV-15-43, at  
Missoula, Montana, and I am authorized by Mohammad "Waleed" Khan to accept service of  
such documents on his behalf.

I hereby acknowledge that I accept service of these documents on behalf of Mohammad  
"Waleed" Khan and he has been properly served.

DATED this 23<sup>rd</sup> day of October, 2015.

WILLIAMS LAW FIRM

By:

  
Nicholas J. Pagnotta, Agent of  
Mohammad "Waleed" Khan for Service of Process